

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

Samuel Gitau,)	
Petitioner)	
)	
v.)	
)	
Bruce CHADBOURNE, Field Office Director,)	Civil Action No.
Department of Homeland Security,)	05 CV 10803-GAO
Immigration & Customs Enforcement; <i>et. al.</i>)	
Respondents)	

PETITIONER'S OPPOSITION TO RESPONDENTS' REPLY TO
PETITIONER'S OPPOSITION AND
MEMORANDUM OF LAW IN SUPPORT OF OPPOSITION TO
RESPONDENTS' MOTION TO DISMISS

The Petitioner hereby opposes the respondents' request for leave to reply to the Petitioner's Opposition and Memorandum of Law in Support of Opposition to Respondents' Motion to Dismiss ("Opposition").

The petitioner does not waive any matter addressed in his petition and/or Opposition. Nor does the petitioner waive any matter that might be addressed in any response, if one be allowed by this Court, to the respondents' requested "Reply."

However, the petitioner submits that he has, at a minimum, raised several "pure issues of law" and, as such, this Court has *habeas corpus* jurisdiction over such matters. *Saint Fort v. Ashcroft*, 329 F.3d 191 (1st Cir. 2003). Further, the Circuit Court has recognized that "the entire content of that phrase" (*i.e.*, pure issues of law) has yet to be

worked out. *Id.* As a result, it remains for this Court, and others, to decide cases which serve to clarify and define the boundaries of its jurisdiction and the merits of the claims made.

The request for leave to reply should be denied. The Motion to Dismiss should be denied.

In the alternative, should leave to reply be granted, the petitioner requests leave to respond.

Dated: September 1, 2005

Respectfully submitted,



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Certificate of Service

I hereby certify that I have on this date served a copy of the above document upon Frank Crowley, Esq., Special Assistant U.S. Attorney, Department of Homeland Security, P.O. Box 8728, JFK Station, Boston, MA 02114 by first class post prepaid.

Dated: September 1, 2005



Chester J. Winkowski